

CITY OF MILFORD  
REGULAR MEETING  
FEBRUARY 3, 2009  
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 3<sup>rd</sup> day of February 2009 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman, Dan Kral; Attorney Robert Blevens; Chief of Police Forrest Siebken; Maintenance Supt. Mark Frey, City Clerk Jeanne Hoggins. Also present: Beverly Wehrs, Sharon Neihardt, Logan Rainforth, Bill Abts, Nancy McGill and Nancy Swarts.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

**CALL TO ORDER:** Mayor Bruha called the meeting to order at 7:32 p.m. Mayor Bruha publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the east wall of the Webermeier Community Meeting Room.

**MINUTES:** A motion was made by Fortune and seconded by Heckman to approve the minutes of the January 6, 2009 meeting. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

**PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST:** A motion was made by Heckman and seconded by Kral that the following bills in the amount of \$51,370.93, Bond Principal of \$10,000.00, Bond Interest of \$2,655.00 and payroll in the amount of \$26,949.33 totaling \$90,975.26 approved by the Auditing Committee be approved for payment. Roll call vote: Heckman yes, Kral yes, Baker yes, Fortune yes. Motion carried.

**SALARIES:**

47276	Mark Frey	1405.55
47277	Forrest K Siebken	1331.59
47278	Mavis Lynn Ferris	54.45
47279	Jeanne M Hoggins	1320.91
47280	Gary Lee TeSelle	930.45

47281	Scott Dean Fosler	987.51
47282	Robert L Hull	855.02
47283	Beverly J Wehrs	542.94
47284	David R Dahle	963.82
47285	Bryce C Johnson	966.49
47286	Philip Winkelmann	922.64
47287	George A Matzen	565.21
47288	Tracy L Yeackley	670.75
47289	Julia M Wang	216.18
47290	Courtney L Bashore	102.84
47291	Anna E Tremmel	102.84
47292	Tiffany Fougeron	267.86
47293	Benjamin L Rediger	720.31
47298	Mark Frey	1405.55
47299	Forrest K Siebken	1331.59
47300	Mavis Lynn Ferris	51.42
47301	Jeanne M Hoggins	1320.91
47302	Gary Lee TeSelle	874.37
47303	Scott Dean Fosler	1075.09
47304	Robert L Hull	855.02
47305	Beverly J Wehrs	559.19
47306	David R Dahle	1233.91
47307	Bryce C Johnson	962.24
47308	Philip Winkelmann	922.64
47309	George A Matzen	565.21
47310	Tracy L Yeackley	598.76
47311	Julia M Wang	216.18
47312	Courtney L Bashore	102.84
47313	Anna E Tremmel	102.84
47314	Tiffany Fougeron	293.07
47315	Benjamin L Rediger	812.36
47317	Ricky Gene Fortune	138.52
47318	Dean Alan Bruha	184.70
47319	Jeffrey M Baker	138.52
47320	Jeff Lee Heckman	138.52
47321	Dan V Kral	138.52
<b>GENERAL FUND:</b>		
47220	Brandon Bayne – WA/SW Deposit Refund	36.74
47221	Bartollo Celedon – WA/SW Deposit Refund	49.09
47222	Bryan Hake – WA/SW Deposit Refund	48.90
47223	Nancy McGill – WA/SW Deposit Refund	19.38

47224	Joyce Sebade – WA/SW Deposit Refund	46.56
47225	Garret Vonseggren – WA/SW Deposit Refund	52.10
47226	US Postmaster – Utility Billing Postage	168.40
47227	Aflac – Dis, Cancer, Acc, Supp	399.96
47228	Ameritas Group – Dental & Vision	946.80
47229	Alltel – Cellular Charges	79.74
47230	Windstream – Long Distance for Dec	6.63
47231	Aramark – Pants & Rags	396.51
47232	ASCAP – License fee for '09	305.00
47233	Scott Burroughs – Tablet Repair	99.00
47234	Central States – Asphalt	786.76
47235	Constellation Energy – Service for December	2118.94
47236	Culligan Water – Soft Water	58.75
47237	Farmers Cooperative – Gas/Diesel for December	1838.18
47238	D&D Communications – Pager	390.00
47239	Diode Communications – Service for December	54.16
47240	Deep Rock – Drinking Water	52.32
47241	Eakes – Nameplate, Paper, Easel	143.50
47242	The Garbage Co – Garbage Pickup	130.14
47243	Great American Leasing – Meter Rent	95.00
47244	Heartland AutoBody – Door Switch	39.55
47245	Ikon Office Solutions – Lease Rental 10/22/08-1/2/09	504.00
47246	EMC – Property Valuations	887.00
47247	Kremer Electric – Receptacle, Time Clock, Labor	914.15
47248	Milford Chamber '09 Membership Dues	75.00
47249	Milford Supermarket – Groceries	52.24
47250	Mutual of Omaha – Disability	79.33
47251	Ne Dept of Revenue – December Sales Tax	1659.68
47252	NE Motor Parts – Wiper Blades, Brush, Batteries	178.10
47253	NPPD – Service for December	4526.44
47254	NE Tech & Telecomm – Service for December	432.85
47255	NE Rural Water – Membership Dues	200.00
47256	Nebraska Clerk Institute – Clerk School (Tracy)	392.00
47257	Black Hills Utility – Service for December	461.08
47258	Pizza Kitchen – Catered Meal	166.50
47259	RecycleLink – Recycle Service for December	32.00
47260	Roxanne Roth – Cleaning Services	250.00
47261	Mrs Wayne Roth – Christmas Cookies	10.00
47262	Schmader Electric – Siren Repair	460.00
47263	Seward Co Ind – Notices, Minutes, Rec Ad	165.59
47264	SPPD – Wells 1 & 2	346.95

47265	Meyer Ford – Oil Change, Repair/Replace Oil Lines	292.02
47266	Shell Fleet Plus – Car Gas	8.26
47267	Shell Fleet Plus – Gas for '08 Pickup	203.92
47268	Sunrise Country Manor – December Meals	872.00
47269	United Rentals – Belts	67.47
47270	Windstream – Local/Internet, Civil Defense, Library	249.94
47271	Xpeditor Tech – Maintenance for RMS	500.00
47272	Jeremy Dinges – Mileage	257.40
47273	Emblem Enerprises – Uniform Patches	261.41
47274	Lawson Products – Gloves	123.26
47275	Troy Pickerall – Batteries, Shop Vac	184.13
47294	Ameritas – Pension	1646.15
47295	Alltel – Cellular	20.03
47296	Coventry Health Care – Health Ins	9674.76
47297	Fort Dearborn Life Ins. – Life Insurance	113.52
47316	Ameritas – Pension	1646.15
47322	American Legal Publishing – Statutory Update Serv	650.00
47323	Atco – Hand Spring	330.00
47324	Blevens Law Office – Legal Service for February	350.00
47325	California Contractors – Drill Set	139.90
47326	Good Housekeeping – Magazine Subscription	15.00
47327	Great Plains One-Call – Locate Requests	2.02
47328	Great American Leasing – Meter Rent	80.00
47329	Hach – Chlorimeter, Pheol Red	1201.72
47330	Heartsong Presents – Books	10.99
47331	Hawkins – Liquifram, seal ring, spring	96.26
47332	IACP – Membership	120.00
47333	Ladies Home Journal – Magazine Subscription	16.97
47334	Linweld – Oxygen, Compressed Air	427.80
47335	Lexis Nexis – NE Traffic & Criminal Books	91.85
47336	Milford Art Club – Paint Windows	25.00
47337	Milford Pluming – Install Line into City Shop	29.99
47338	Midwest Service & Sales – Bolts & Blade	457.60
47339	Milford School Dist – Parking Fines	95.00
47340	Midwest Mailing – Rate Chip	245.00
47341	Momar – Towels	269.71
47342	Moses Motor Co – Deductible to Repair Ambulance	100.00
47343	Municipal Supply – Plug	92.28
47344	NE Dept of Public Health – Coliform Test	32.00
47345	Precision Ind – Bench Grind	44.07
47346	PoolMart – Lifeguard Chairs	8248.70

47347	NE Supreme Court – Nebraska Statutes	25.60
47348	Racom – Earpiece for portables	76.31
47349	Reimans Publications – Subscription	29.98
47350	Roxanne Roth – Cleaning Services	305.00
47351	Sam’s Club – Jeanne Renewal Card	35.00
47352	Seward Co Ind – Subscription	27.00
47353	Shell Fleet Plus – Fuel For Dec (Police)	414.19
47354	Subway Motors – Labor, Regulator, Shop Materials	163.05
47355	Tools Plus Ind – Safety Vest	173.27
47356	Union Bank – Gary TeSelle Acct, Medicare Part D	442.20
47357	Walmart – Pipe Insulation, Post-its, smoke alarm	62.47
47358	Local Insight Yellowpages – Directory Advertising	14.60
47359	GamePro – Subscription	29.97
47360	Terry Hauder – Coach Boys Basketball (Saturdays)	75.00
47361	Craig Jakub – Asst Coach Boys Basketball (Saturdays)	50.00

**REPORTS OF OFFICERS, BOARDS AND COMMITTEES:** Written reports received were Housing Authority minutes for January 8, 2009; Planning & Zoning minutes for January 26, 2009; Milford Aging Services minutes for January 27, 2009; Fire Department minutes for December 9, 2008; Police Dept. Activity Report for January 2009; MVFD Rescue NARSIS report for January 2009; Fire Report for December 2008. \*Heckman met with the Library Board for the first time. A concern was noted regarding the maintenance on the heating unit and requested that a punch list be presented at the time of service to record what was looked at and the condition of the unit. We had a potentially dangerous situation, luckily everything has been repaired. Frey will visit with Milford A/C to request the punch list. \*Baker – The Sr. Center vehicle was in an accident with a BNSF truck. The truck ran into the driver side of the car. \*Chief Siebken reported on January’s activity. \*Frey – the City has been experiencing brown water problems. In checking with the State it is not harmful, just a nuisance. There are 2 ways to remedy this situation: the first is too expensive, the second is to flush the system 3 to 4 times a year. Frey suspects this problem has arose because this year has been the lowest amount of water pumped in the last 10 years. Frey explained how the chemicals react to the iron, which causes the water to turn brown. \*Bruha has been monitoring the snow removal on sidewalks and if we get another big snowfall he may be issuing notices to individuals that are not complying with the snow removal ordinance. Bruha also requested the snow that is piled up in the middle of the business district be cleaned off even if it takes some additional hours of overtime.

**COMMUNICATIONS:** \*Sales tax received for the month of November 2008 was \$8,307.78. \*Thank you received from Webermeier Scholarship recipient Susanne Fiala.

**PUBLIC HEARING: One & Six Year Plan:** Bruha explained that the current one & six year road plan is basically for general maintenance and upkeep of streets. Mayor Bruha opened the public hearing at 7:47 pm and asked if there were any comments from the public. Discussion was held regarding the repair of Hwy 6 thru town. There are repairs needed on the curve which the State DOR will take care of. With no further questions the public hearing was closed at 7:50 pm.

**UNFINISHED BUSINESS:**

**Introduction and Adoption of Ordinance – Definition of Dangerous Dog:** Blevens presented a model dog & cat ordinance for review. The Council needs to decide what they want to do. The following were areas of discussion: Providing Liability Ins., by the owner, for animals at the time they are licensed; requirement of leashes & muzzles; fines/penalties for offenses, (whether it be running at large or biting someone); banning specific breeds from town; what determines a dangerous dog? These areas were discussed at length. It was suggested that Council member Baker put together an ordinance that he is comfortable with addressing all the areas of discussion. He will work with Attorney Blevens and have an ordinance for all members to review/revise prior to the March regular meeting.

**Contract/Agreement to purchase sewer manhole, clean-out and sewer line to main:** Fortune asked the Council's permission to have the City send out for review and consideration the purchase agreement to the 2 individuals and Church. Fortune made a motion not to move on the agreements until the access agreement is signed by the Golf Course. John Melena assured Fortune that it wouldn't be a problem. Heckman asked what the dollar amount was. Fortune stated, "it is \$1900.00 each". Heckman questioned the other 2 parties wanting to be reimbursed. (Barry Stauffer and Grace Missionary Church) Fortune noted that they all want to be reimbursed. Heckman asked if they had receipts for the work done. Fortune stated, they did. Baker seconded the motion and asked for discussion. Baker asked if the City is legally bound to pay for the line? Attorney Blevens noted that it can be left as a private line. Baker didn't feel that the City should buy a sewer line that was once a private line and not in the City limits. (It's on the Golf Course) Given the circumstances with the tax revenue and the economy Baker didn't think we should be paying for something that we are not bound to purchase. Spending \$1900.00 x 3 is not a good idea. Baker questioned if the private sewer line meets the specifications as if the City would have put it in themselves. Frey noted that he worked with the contractor and used the

specs that would have been used if the City would have placed the line. Fortune noted that the City would've been responsible for putting the sewer line in after the annexation process. These individuals saved the City money by putting the line in themselves. If the City would have placed the line, an engineer would have been involved and the project would of cost a lot more. Fortune feels the City needs to own this line. It's a fairness issue and we need to own the manhole and line. Baker's thought process was if the City buys the line tomorrow and the line goes down, then the City will be spending \$20,000.00 to repair the line. Mark Frey oversaw the construction of the line and it was built by City specifications, it is a perfectly good line and manhole, "it is not going to go down" commented Fortune. The question came up if another manhole would need to be constructed if someone built a home on the empty lot. Access would need to be granted by Barry Stauffer. Fortune wants to know if the Council will back this proposal. Kral asked Fortune if he would accept an amendment stipulating the amount of money to be offered. Fortune stated, "Yes it needs to be stipulated". A motion was made by Fortune and seconded by Baker to approve payment of \$1900.00 to 3 individuals to purchase the portion of the sewer line on the Golf Course from the manhole to the City main upon agreement that Thornridge Golf Course sign the access agreement and grant an easement. Roll call vote: Fortune yes, Baker no, Heckman yes, Kral yes. Motion carried.

**NEW BUSINESS:**

**Approve Committee List:** The 2009 Committee List was presented: There were questions regarding the Economic Development Committee members and city representative. Mayor Bruha will look into these questions and present the facts at the next regular meeting. A motion was made by Baker and seconded by Fortune to approve the 2009 committee list as presented. (Copy attached) Roll call vote: Baker yes, Fortune yes, Heckman yes, Kral yes. Motion carried.

**Introduction and Adoption of Resolution – One & Six Year Plan:**

RESOLUTION NO. 446

The following resolution was introduced by Kral, who moved its adoption, seconded by Fortune,

“WHEREAS, the City Street Superintendent has prepared and presented a One Year and Six year Plan for Street Improvement Program for the City of Milford, Nebraska, and

WHEREAS, a public meeting was held on the 3<sup>rd</sup> day of February, 2009, to present this plan and there were no objections to said plan;

THEREFORE, BE IT RESOLVED BY THE Mayor and City Council of Milford, Nebraska, that the plans and data as furnished are hereby in all things accepted and adopted.”

Upon roll call vote as follows: Kral yes, Fortune yes, Baker yes, Heckman yes. Motion carried.

Attest: \_\_\_\_\_

City Clerk

\_\_\_\_\_

Mayor

(SEAL)

**Introduction and Adoption of Resolution – Calling Old Bonds, G.O. Water Bonds:**

RESOLUTION NO. 447

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF MILFORD, NEBRASKA, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby called for payment on March 12, 2009, after which date interest on the bonds will cease:

Water Bonds, dated September 12, 2002, in the total principal amount of \$630,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, (issued for the purpose of paying for water improvements) maturing in the principal amounts and bearing CUSIP numbers as follows:

<u>Principal</u>	<u>Maturity Date</u>	<u>CUSIP Number</u>
\$30,000	September 15, 2009	599556 CZ8
35,000	September 15, 2010	599556 DA2
35,000	September 15, 2011	599556 DB0
35,000	September 15, 2012	599556 DC8
40,000	September 15, 2013	599556 DD6
40,000	September 15, 2014	599556 DE4
40,000	September 15, 2015	599556 DF1
45,000	September 15, 2016	599556 DG9
45,000	September 15, 2017	599556 DH7
50,000	September 15, 2018	599556 DJ3
55,000	September 15, 2019	599556 DK0
55,000	September 15, 2020	599556 DL8
60,000	September 15, 2021	599556 DM6
65,000	September 15, 2022	599556 DN4

Section 2. These bonds are to be paid at the office of the City Treasurer in Milford, Nebraska.

Section 3. A true copy of this Resolution shall be filed by the City Clerk with the Paying Agent at least thirty (30) days prior to call date and the City Treasurer is hereby instructed to take

appropriate action to mail notice to registered owners at least thirty (30) days prior to the call date.

PASSED AND APPROVED this 3rd day of February, 2009.

Attest: \_\_\_\_\_

City Clerk

\_\_\_\_\_

Mayor

(S E A L)

**Introduction and Adoption of Ordinance – Issue New Bonds, G.O. Refunding Bonds:** Councilmember Kral introduced the following ordinance seconded by Baker:

ORDINANCE NO. 818

AN ORDINANCE AUTHORIZING THE ISSUANCE OF REFUNDING BONDS, OF THE CITY OF MILFORD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF SIX HUNDRED TEN THOUSAND DOLLARS (\$610,000) ISSUED TO REFUND CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM. (See Ordinance Record)

**Appointments – Pool Board:** A motion was made by Fortune and seconded by Heckman to approve the Mayor’s recommendation to appoint Marcy Hostetler to the Pool Board for a 3 year term ending 2/1/2012. Roll call vote: Fortune yes, Heckman yes, Baker yes, Kral yes. Motion carried.

A motion was made by Heckman and seconded by Baker to approve the Mayor’s recommendation to appoint Julie Brehmer to the Pool Board for a 3 year term ending 2/1/2012. Roll call vote: Heckman yes, Baker yes, Fortune yes, Kral yes. Motion carried.

**Authorize Mayor to sign – Federal Equitable Sharing Agreement:** A motion was made by Fortune and seconded by Kral to authorize Mayor Bruha to sign the Federal Equitable Sharing Agreement presented by Chief Siebken. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried.

**Discuss temporary Sr. Center Shuttle:** On January 16, 2009 the Sr. Center Shuttle was involved in an accident with a BNSF truck. Two estimates have been gathered: Heartland Auto Body - \$2040.24 and R & H Body Shop - \$2074.40. Volunteer drivers are using their personal vehicles to deliver meals, which Baker has authorized payment of mileage (.55 per mile) for this service. BNSF has been contacted regarding a rental vehicle, but no response as of 2/3/09. The purchase of a van has been considered for ease of

meal delivery and transportation of individuals. Baker will continue to negotiate with BNSF to expedite settlement and allow the Sr. Center to purchase a different vehicle.

**ADJOURNMENT:** A motion was made by Fortune and seconded by Kral to adjourn the meeting. Roll call vote: Fortune yes, Kral yes, Baker yes, Heckman yes. Motion carried and meeting adjourned at 9:09 pm.

---

Jeanne Hoggins, City Clerk

---

Dean A. Bruha, Mayor

### CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on February 3, 2009 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

---

Jeanne Hoggins, City Clerk